

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BLACK 13 ENTERPRISE, INC.,)	
)	Case No. 1:21-cv-10877-GAO
v.)	
)	
TFL FRANCHISE SYSTEMS LLC,)	
)	

**TFL FRANCHISE SYSTEMS LLC'S
FED. R. CIV. P. 12(B)(6) MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. 12(b)(6), defendant TFL Franchise Systems LLC, through undersigned counsel, hereby moves this Court for an order dismissing the Complaint filed by Black 13 Enterprise, Inc. in its entirety. Specifically, plaintiff's complaint fails to state a claim upon which relief can be granted because each of the claims asserted are barred by the parties' general release. In addition, plaintiff's claim for fraudulent inducement is barred by the absence of any fiduciary relation between the parties; and plaintiff's claim for exemplary damages is barred by the parties' selection of Massachusetts law and their agreement to waive claims for punitive damages.

In further support of its motion, TFL relies on its Memorandum of Law in Support of its Motion to Dismiss filed contemporaneously herewith.

LOCAL RULE 7.1 (A)(2) CERTIFICATION

In accordance with Local Rule 7.1, I hereby certify that on August 9, 2021, I conferred with plaintiff's counsel Tiffany L. Stichel in a good faith attempt to narrow or resolve the issues. The parties were unable to resolve or narrow the issues.

LOCAL RULE 7.1(D) REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D) TFL Franchise Systems LLC respectfully requests oral argument on its Motion to Dismiss.

DATED: August 9, 2021

Respectfully submitted,

TFL FRANCHISE SYSTEMS LLC,

By its attorney,

/s/ Christopher A. Callanan

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CERTIFICATE OF SERVICE

I certify that I served a copy of the above document to all counsel of record by electronic filing via the ECF system on August 10, 2021.

/s/ Christopher A. Callanan

Christopher A. Callanan